

Application Number 09/820,398
Amendment dated June 24, 2005
Responsive to Office Action mailed April 25, 2005

REMARKS

This amendment is responsive to the Final Office Action dated April 25, 2005. Applicants have amended claims 1, 6, and 9, and cancelled claim 5. Claims 11–20 and 22–24 are withdrawn from consideration. Claims 1–4 and 6–24 are pending.

Claim Rejection Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 1–7, 9, 10 and 21 under 35 U.S.C. 102(b) as being anticipated by Gardner et al. (US 5,758,327). Applicants respectfully traverse the rejection to the extent such rejection may be considered applicable to the amended claims. Gardner et al. fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Gardner et al. fails to teach or suggest a system for third party management of end-user approved product information to at least one sub-end-user and product ordering by the sub-end-user based upon the approved product information of the end-user, said system comprising a data storage device accessible via a network and having end-user approved product information stored in a first memory, a sub-end-user network interface providing network access by the sub-end-user to the end-user approved product information for ordering a selected product and by which a product order can be stored in a second memory, a third party network interface having access to product orders stored within the second memory, and an end-user network interface by which the end-user can communicate with the data storage device via the network, as recited by Applicants' claim 1, as amended.

Gardner et al. fails to teach or suggest a system having three distinct interfaces: (1) a sub-end-user network interface providing access to end-user approved product information for ordering a selected product, (2) a third party network interface having access to product orders stored in a second memory of a data storage device, and (3) an end-user network interface by which the end-user can communicate with the data storage device, as required by amended claim 1. To the contrary, Gardner et al. describes a conventional central computer system 10 that stores a catalog of products and services supplied by vendors 24, 26, 28, and provides access to the catalog to companies 12, 14, 16. In this manner, as described by Gardner et al., central computer

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system 10 operates similar to conventional systems in which companies electronically access catalogs for vendors. Consequently, the Gardner et al. system does not address situations involving three distinct interfaces (i.e., an end-user network interface, a sub-end-user network interface, and a third party network interface) in which one party (i.e., the third party) manages product information that must first be approved by a second party (i.e., the end-user) for use by a third party (i.e., the sub-end-user).

Claims 2-7, 9, 10, and 21 depend from independent claim 1 and are allowable for at least the reasons set forth above.

Gardner et al. fails to disclose each and every limitation set forth in claims 1-7, 9, 10 and 21. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicants' claims 1-7, 9, 10 and 21 under 35 U.S.C. 102(b). Withdrawal of this rejection is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Smith (US 6,062,669). Applicants respectfully traverse the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

In support of the rejection over Gardner in view of Smith, the Examiner stated that Gardner discloses all the features of the Applicants' claimed invention except the image gallery of the approved products and that Smith discloses a system and method for remote ordering of custom products that includes image galleries that permit customization of the order.

The Examiner recognized that Gardner et al. does not disclose a custom image gallery stored as end-user approved product information within the first memory of the data storage device, as recited by Applicants' claim 8. However, the Examiner stated that it would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Smith to provide the system of Gardner et al. with image galleries of the approved products in order to permit customization of the order.

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As described above, Gardner et al. does not teach or suggest all the features of Applicants' claimed invention. Gardner et al. makes no mention of: (1) a sub-end-user network interface providing access to end-user approved product information for ordering a selected product, (2) a third party network interface having access to product orders stored in a second memory of a data storage device, and (3) an end-user network interface by which the end-user can communicate with the data storage device, as recited by Applicants' amended claim 1. Therefore, modification of the electronic requisition processing system of Gardner et al. to include the image gallery from Smith would not result in Applicants' claimed invention.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicants' claim 8 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully point out that no new issues have been raised in this Amendment, since the independent claim has been amended solely to add the limitations of a dependent claim. Consequently, no new search is required. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

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